THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.12397 of 2006

DATED:22.06.2006

Between:
Smt.Yerramsetti Damayanthi

.. PETITIONER

AND

The District Collector, Eluru, West Godavari District. And others

.. RESPONDENTS

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No.12397 of 2006

ORDER:

The Writ Petition is filed alleging that the respondents are pressurizing the petitioner to vacate the land in an extent of Ac.0.30 cents in R.S.No.326 and Ac.0.20 cents in R.S.No.56 at Tyajapudi Village, for the purpose of assignment as house sites to the weaker sections without initiating land acquisition proceedings or without issuing any notification under Section 4(1) of the Land Acquisition Act, 1894.

Notwithstanding the fact that the District Collector, West Godavari, the Revenue Divisional Officer-cum-Land Acquisition Officer, Kovvur, West Godavari District and the Mandal Revenue Officer, Davarpalli Mandal, Davarpalli, are alleged by the petitioner to be coercing her to part with her land and without the due process of law, the petitioner is at liberty to complain to the nearest jurisdictional police station against any such illegal acts of the respondents. On such complaint being made, the concerned police officer will be obligated in law to register the complaint forthwith if the complaint discloses information as to the commission of a cognizable offence. The concerned police officer, who is in receipt of such complaint, is obligated to investigate the matter and use the requisite force to prevent any person including the District Collector, Revenue Divisional Officer or Mandal Revenue Officer from taking the law into their hands. The fact that a person holding the office of District Collector etc., violates the law does not immunize them from due process of law. The petitioner is also at liberty to approach the nearest

jurisdictional civil Court for injunctive relief against any person trying to dispossess her except in accordance with law. The petitioner has also a right of private defence, which can be applied to resist any person from interfering or trespassing into her property rights without the authority of law.

In view of the above remedies available to the petitioner and nearer to her habitat, this Court is disinclined to interfere under Article 226 of the Constitution of India. The petitioner is at liberty to avail the proximate remedies aforementioned.

With the above observation, the Writ Petition is disposed of. There shall, however, be no order as to costs.

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GODA RAGHURAM, J

Dated:22.06.2006

GJ